



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET, S.W.
WASHINGTON, D.C. 20554

News Media Information: (202) 418-0500
Fax-On-Demand: (202) 418-2830
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA 00-615
March 17, 2000

AUCTION OF LICENSES FOR FIXED POINT-TO-POINT MICROWAVE SERVICES IN THE 38.6 TO 40.0 GHz (39 GHz) BAND

Status of Applications to Participate in the Auction

Report No. AUC-30-C (Auction No. 30)

The Federal Communications Commission ("FCC") has received 48 FCC Form 175 applications to participate in Auction No. 30 scheduled to begin on Wednesday, April 12, 2000, for 2,450 licenses in the 39 GHz Band. The applications have been reviewed for completeness and compliance with the Commission's rules, and have been classified into the following categories:

ACCEPTED FOR FILING..... 34 Applications

INCOMPLETE..... 14 Applications

Accepted: Applications classified as accepted for filing are listed in Attachment A. **These applicants will become qualified bidders upon receipt of the required upfront payment by 6:00 p.m. ET on Monday, March 27, 2000, as discussed below.** With respect to their applications, these applicants need take no further action except as may be necessary to keep their applications up-to-date.¹ Applicants are also advised that Attachment A includes FCC account numbers that are automatically created by the FCC software system for each applicant, which are applicable for bidding only.

¹ See 47 C.F.R. §§ 1.65 and 1.2106.

Incomplete: Applications classified as incomplete are listed alphabetically in Attachment B. Applicants whose applications have been classified as incomplete will receive overnight correspondence indicating what information is required to make the applications acceptable for filing. **These applicants will become qualified bidders only if they: (1) resubmit their applications by 5:30 p.m. ET on Monday, March 27, 2000, to correct the minor deficiencies indicated; and (2) make the required upfront payments by 6:00 p.m. ET on Monday, March 27, 2000, as discussed below.** They must also keep their applications up-to-date as required.² Applicants are also advised that Attachment B includes FCC account numbers that are automatically created by the FCC software system for each applicant, which are applicable for bidding only.

The filing window for resubmitting FCC Form 175 applications is now open. Corrected applications must be filed no later than **5:30 p.m. ET on Monday, March 27, 2000.** This will be the only opportunity to cure FCC Form 175 defects; late resubmissions will not be accepted. In addition, if an application remains incomplete or otherwise deficient after the resubmission deadline has passed, it will be rejected.

UPFRONT PAYMENT DEADLINE

Upfront payments and accompanying FCC Remittance Advice (FCC Form 159) for this auction are due at Mellon Bank, Pittsburgh, Pennsylvania, **by 6:00 p.m. ET on Monday, March 27, 2000.** Payments must be made by wire transfer and applicants must include their Taxpayer Identification Numbers (TIN). No other payment method is acceptable for this auction.³ **Applicants are reminded to use their TIN and not their FCC Account Numbers on the FCC Remittance Advice (FCC Form 159).**

Applicants that have filed applications classified by this public notice as incomplete must submit timely and sufficient upfront payments before the Commission will review their resubmitted applications. If such an application remains incomplete following its resubmission, it will be dismissed. The upfront payment will be refunded automatically if the applicant has provided its Taxpayer Identification Number (TIN) and wire transfer instructions.

OTHER IMPORTANT INFORMATION

Qualified Bidders: A public notice listing all applicants qualified to bid in the auction will be released approximately one week after upfront payments have been received, resubmitted FCC

² *Id.*

³ See "Auction of Licenses for Fixed Point-to-Point Microwave Services in the 38.6 to 40.0 GHz (39 GHz) Band; Auction Notice and Filing Requirements for 2,450 Licenses in the 39 GHz Band Auction Scheduled for April 12, 2000; Minimum Opening Bids and Other Procedural Issues," *Public Notice*, DA 00-112 (rel. January 21, 2000) ("Auction No. 30 *Public Notice*") for detailed remittance and upfront payment information. This and other documents are available on the FCC website at: <http://www.fcc.gov/wtb/auctions>.

Form 175 applications have been processed and reviewed, and payments and applications have been correlated. The same public notice will also include instructions on how to access the bid tracking tool software, a bidding schedule for the Mock auction, and the bidding schedule for the first day of the auction.

Prohibition of Collusion: Bidders are reminded that Section 1.2105(c) of the Commission's Rules prohibits applicants for the same geographic license area from communicating with each other during the auction about bids, bidding strategies, or settlements unless they have identified each other as parties with whom they have entered into agreements under Section 1.2105(a)(2)(viii). If parties agreed in principle on all material terms, those parties must be identified on the short-form application under Section 1.2105(c), even if the agreement has not been reduced to writing. If the parties have not agreed in principle by the filing deadline, an applicant would not include the names of those parties on its application, and may not continue negotiations with other applicants for licenses in the same geographic area(s).⁴ For further details regarding collusion refer to the *Auction No. 30 Public Notice*. For Auction No. 30, this prohibition became effective at the filing deadline of short-form applications on Monday, March 13, 2000, and will end on the post-auction down payment due date to be announced in a future public notice.

In addition, applicants are reminded that they are subject to the antitrust laws, which are designed to prevent anti-competitive behavior in the marketplace. Winning bidders will be required to disclose in their long-form applications the specific terms, conditions and parties involved in all bidding consortia, joint ventures, partnerships, and other arrangements entered into relating to the competitive bidding process. Bidders found to have violated the anti-collusion rule may be subject to sanctions.⁵

Ex Parte Rule: Applicants should also be aware that the Commission has generally exempted auction proceedings from the strict requirements of the *ex parte* rule (47 C.F.R. § 1.2108).⁶

Mock Auction: All applicants found to be qualified bidders are eligible to participate in a mock electronic auction on **Friday, April 7, 2000**. In the *Qualified Bidders Public Notice*, the Bureau will announce when software for the mock auction will be posted on the World Wide Web.

Remote Bidding Software: Applicants are reminded that qualified bidders are eligible to bid either electronically or telephonically. To bid electronically, applicants should complete the

⁴ “Wireless Telecommunications Bureau clarifies Spectrum Auction Anti-Collusion Rules,” *Public Notice*, DA 95-2244 (rel. October 26, 1995), 11 FCC Rcd 9645 (1995).

⁵ See 47 C.F.R. §§ 1.2105(c), 1.2107(d), and 1.2109(d).

⁶ See 47 C.F.R. §1.202(d) note (1); See also “Commission Announces that Mutually Exclusive ‘Short-Form’ Applications (Form 175) to Participate in Competitive Bidding Process (‘Auctions’) Are Treated as Exempt for Ex Parte Purposes,” *Public Notice*, 9 FCC Rcd 6760 (1994).

software order form included in the *Auction No. 30 Public Notice* or contact the Auctions Hotline at (717) 338-2888. To ensure timely delivery of remote bidding software before the auction begins, the Commission requests receipt of software orders by **5:30 p.m. ET on Tuesday, March 28, 2000**. The minimum hardware and software specifications required for the FCC remote bidding system are listed below:

- CPU: Intel ® Pentium or above
- RAM: 16 MB (more recommended if you have multiple applications open)
- Hard Disk: 33 MB available disk space
- 1.44 MB Floppy Drive or CD-ROM Drive (to install the Remote Bidding System)
- Modem: v.32bis 14.4 kbps Hayes© compatible modem (56.6 kbps recommended)
- Monitor: VGA or above
- Mouse or other pointing device
- Microsoft® Windows™ 95™ or 98™
- We recommend that you use Netscape® Communicator™ 4.7. However, you can also use Netscape Communicator 4.5, 4.51, or 4.61.

To download Netscape Communicator 4.7 free of charge, access the Netscape download site at <http://home.netscape.com/download/>

Note: The FCC Remote Bidding System has not been tested in a Macintosh, OS/2, or Windows NT™ environment. Therefore, the FCC will not support operating systems other than Microsoft Windows 95 or 98. This includes any other emulated Windows environment.

Long-Form Applications: All applicants should be aware that at the long-form application stage, they will be subject to the more extensive reporting requirements contained in the Commission's Part 1 ownership disclosure rule.⁷

Bidder Alerts: All applicants must certify on their FCC Form 175 applications under penalty of perjury that they are legally, technically, financially and otherwise qualified to hold a license, and not in default on any payment for Commission licenses (including down payments) or delinquent on any non-tax debt owed to any Federal agency. Prospective bidders are reminded that submission of a false certification to the Commission is a serious matter that may result in severe penalties, including monetary forfeitures, license revocations, exclusion from participation in future auctions, and/or criminal prosecution.

Information about deceptive telemarketing investment schemes is available from the FTC at (202) 326-2222 and from the SEC at (202) 942-7040. Complaints about specific deceptive telemarketing investment schemes should be directed to the FTC, the SEC, or the National Fraud Information Center at (800) 876-7060. Consumers who have concerns about specific proposals may also call the FCC National Call Center at (888) CALL-FCC ((888) 225-5322).

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⁷ See 47 C.F.R. § 1.2112(b).

For questions about payment or instructions for wiring upfront payments, contact Gail Glasser or Michelle Bennett, Auction Accounting Group, at (202) 418-1995.

For specific questions about an applicant's incomplete status, the applicant should contact the designated attorney identified in the correspondence sent to the applicant by overnight mail.

For additional information, contact: Kenneth Burnley, Legal Branch at (202) 418-0660 (regarding legal questions); Lisa Stover, Auction Operations (regarding bidding and general filing status) or Bob Reagle, Analyst, Auction Operations (regarding bidding) at (717) 338-2888.

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